

September 25, 1997

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Office of the Secretary  
Federal Communications Commission  
1919 M Street, room 222,  
NW, Washington, DC 20554.

Mr. Secretary

I humbly and respectfully request acceptance of this late filing of a response to RM-9150. I did not become aware of the existence of RM-9150 until the end of the first week of September 1997.

It took till the middle of the second week before a researcher in the Wireless bureau could supply me with confirmation and explanation of the process involved with RM-9150. Subsequent serious computer problems and the time necessary for appropriate research via the Internet prevented me from realizing an earlier date of submission.

I am including, with the original, nine copies of the response for circulation to the Commissioners and appropriate departments and staff. I am also including a disk with this response in Wordperfect formats version 5.1 (filename res9150x.v51) and version's 6, 7, and 8 (filename = res0150y.v6).

Thank you,



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## Opposition to the ARRL Proposal RM-9150

Titled "Private Enforcement Proposal" submitted March 28, 1997

By William Houlne - WB6BNQ

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TO: The Federal Communications Commission (FCC), Commissioners, and Staff

While the idea of the ARRL's proposal is, at best, perhaps commendable, it has all of the trappings of Big Business hiding under the "NONPROFIT" umbrella, to put it more succinctly, "The Wolf in Sheepskin." The tyranny and oppression addressed by the founding fathers of our nation, some 200 odd years ago, could easily rear its ugly head if the FCC follows this road.

The best that can be said about RM-9150 is that it brings to the forefront some issues that do, perhaps, need to be reviewed. However, the bulk of RM-9150 is pure chastising of the FCC, a "SMOKE SCREEN" written in an unsophisticated, maniacal manner to obfuscate the true nature of the proposal and an attempt to bully the FCC into making an unreasonable, overreaching and reckless decision. If the proposal had any serious merit, it would not need 26 paragraphs of diatribes.

The "PRIMARY" elements of the ARRL's request do not warrant any change in the FCC's rules. As it stands, nothing prevents the commission from using collective information brought forth by individuals within the amateur community. The mere fact that the FCC has not, seemingly, used such information is more indicative of a legal stance surrounding the "Rules of Evidence," the custody chain and the viability of an "Expert Witness."

The real issues are the underlying reasons for the ARRL's request. The ARRL has often shown their propensity to want to control the amateur community with "their" point of view. The intent is quite evident in the first paragraph of the summary that states in part "...to create procedures for the further privatization of administration of the Amateur Radio Service." While only asking for one little piece of the pie at a time, they hope eventually to have the whole pie. The ARRL's financial foundation depends solely upon the amateur community and it would be in their best interest to have more control.

The first piece of the pie was securing the exclusive frequency database coordination of 219 to 220 MHz band, with the requirement of notifying the ARRL before operating a station in that spectrum. This is in the FCC rules under Part 97.303.e.3 that states: **No amateur station may transmit in the 219-220 MHZ segment unless the licensee has given written notification of the station's specific geographic location for such transmissions in order to be incorporated into a data base that has been made available to the public. The notification must be given at least 30 days prior to making such transmissions. The notification must be given to:**

*The American Radio Relay League*

*225 Main Street*

*Newington, CT 06111-1494*

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Although not true, the ARRL has long held that they represent the amateur radio community as a whole. They do not represent me, nor many people that I personally know. They do not represent the vast majority of VHF/UHF repeater owners. They do not represent the "majority elect" of those that attempt to "coordinate" repeater frequency use.

The ARRL clearly shows their arrogance in an overstatement with the following paragraph that is currently on their Internet Web Site:

*"Founded in 1914, the 172,000-member American Radio Relay League is a microcosm of the Amateur Radio community, not only reflecting a commitment to the many enthusiasms of hams, but also providing leadership as the official voice of Amateur Radio, whether in dealings with the Federal Communications Commission, the World Administrative Radio Conference, the International Amateur Radio Union, or with the general public. Indeed, many of the most knowledgeable hams believe that, as competition grows for increasingly scarce radio spectrum, the future of The League is the future of Amateur Radio."*

Paragraph 4 of RM-9150 states that there are more than 750,000 licensees, if that is true, then the above stated ARRL membership of 172,000 is less than 25 percent of the total community. Therefore, their own statement of a "MICROCOSM" is true. However, their statement of "... official voice of Amateur Radio..." does not hold true.

The one service that the ARRL can do for the whole community is keep its finger in the FCC happenings on a regular basis that is almost impossible for the average Amateur Radio Licensee. With the increased presence of the FCC on the Internet, that situation has improved to the detriment of the ARRL.

What they do control are the publications and magazines that they produce. The publications are, primarily, of first rate quality and do an excellent job of presenting the amateur radio environment. Sadly to say, their main magazine called "QST" is more than 50 percent advertizing. There are only two ways to obtain the "QST" magazine. First would be to purchase it as a single copy each month at a local store; or secondly, join the ARRL to receive the magazine through the mail. Some of their membership is composed of people that want the magazine delivered to their door each month and are not necessarily members who subscribe to any or all of the ARRL's stated positions or practices.

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The operational problems that are currently happening in the amateur community have 3 root causes that can be traced to 3 different events. These causes and events can be summed up in the following manner:

1. The primary root cause is human imperfection. Issues arising due to personality conflicts, rudeness, basic moral and intellectual decline and general disregard for lawful order add to the complexities of social interaction. The elements of personality and rudeness show up in the general operating practices, with the moral and intellectual decline being the elements that lay the foundation for explosive confrontations.
2. The next root cause stems from a basic control issue in community development, **"planned social events or functions."** The essential ingredient in maintaining and perpetuating a society is to provide functions where oneself is encouraged and expected to participate. Nonparticipation is rewarded with some form of punishment, ranging from rejection to incarceration (depending upon the society). The most common observable form of this root cause is within the religious communities. Within amateur radio, this is displayed by the never ending **"NETS"** that exist throughout the amateur spectrum. These nets are a major functionality of the ARRL's efforts to keep their environment (read society) alive. Another form of this is the constant **"CONTESTS"** promoted by the ARRL. While I am not against these operations overall, I do have some adversity to the meaningless repetition. Not everyone is interested in participating in these functions. However, these functions have a way of attaining self assuming importance to the point of claiming heritage and ownership of their operational position to the exclusion of others. This is one major cause for interference issues with net operations. Another factor is the generally poor operating practices of most Amateurs, including those operating the nets.

The ARRL also demonstrates a competitive nature in an area that should not have such consideration. The following is an excerpt from their Public Service Communications Manual:

## **"7.3 Another Kind of Competition"**

*With a strong ARES program, and a capability of substantially meeting most of the local served agencies' needs, you might avoid another problem that is cropping up in some parts of the country, that of "competition" with emerging amateur groups providing similar communications services outside of ARES. Some of these groups may feel that their local ARES doesn't do the job, or personality conflicts and egos get in the way, so they set up shop for themselves, working directly with agency officials, and usurping ARES' traditional role. Some agencies have been receptive to their assistance.*

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*There continues to be "RACES versus ARES" polarization in some areas. And some agencies, including at least one with statewide jurisdiction, are forming their own auxiliary communications groups, and recruiting their own hams, some away from ARES.*

*There's not much you can do about this, except to work to find your ARES program's niche and provide the best services you can as outlined above.*

*Strive for growth and enhancement of ARES members' abilities, and make sure you present a "professional" face to potential "served" agencies and your opportunities will grow. Make your program better than the next guy's, and agencies will be more attracted to you.*

*If possible, setting egos and personalities aside, seek out these other groups and take the initiative to try to establish a rapport, and the fact that "we're all in this together," for the good of the public and Amateur Radio. With good communication, mutual respect and understanding between you and the other groups, at the least, you should be able to coordinate your program's missions with theirs (i.e., divide up the pie, or who will do what for which agency) to foster an efficient and effective Amateur Radio response overall. At best, you may find other groups willing to fold their tents and join your camp! Try it."*

3. *The FCC is not without blame on these and many other issues and is the third root cause and the author of the three events listed below. The FCC has made some significant blunders since 1969. The three notable events that have caused wide spread issues within the amateur environment are:*
  - a. *The first was the reshuffling of the amateur bands starting back in 1969/1970 with the advent of the "ADVANCE" class license. This pushed the General Class Licensee into a smaller operating space and the rush to upgrade did not really materialize. Also, those that did upgrade tend to still operate with their friends that did not upgrade. This is most evident on the 80 and 20 meter bands where it is near impossible to find a clear frequency and you will, without doubt, step on someone's space. And you ask why are there problems ??*
  - b. *The infamous "REPEATER DOCKET (circa. 1973)." This has to take the all time idiot award if there ever was one. The FCC went from a controlled "SANE" environment to an uncontrolled and uncontrollable rush to insanity in almost one week. Now couple the human aspect and you have everyone wanting to play "KING" of the hill and putting up repeaters ad infinitum. An one wonders why there are problems ??*
  - c. *The third major blunder deals with the arena of "NO CODE" and the licensing processes. Here the blunder is with the written tests, **NOT THE CODE !!!!!** The "dumb-ing Down" of America that everyone talks about is extremely evident in some of*

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*the written test questions. We can now process people into the "community" that can take tests and not know a thing before, during, or afterwards. This is quite evident just by listening to the conversations on the radio. Unfortunately, the amateur ranks now include the significantly ignorant to the brilliant. And you ask why are there problems ??*

*There are numerous references to the "Amateur Auxiliary" in RM-9150. One would think that the ARRL would represent such an important item on the ARRL Web Site. I did a thorough search and was unable to find any reference. I broaden my search to the whole WEB and found a reference at an affiliate site that had a fleeting summary of the "OFFICIAL OBSERVER" function, which presumably is a part of the "Amateur Auxiliary."*

*Paragraph 7 of RM-9150 refers to a written agreement between the FCC and the ARRL. I have no specific knowledge of the agreement, nor its contents. This information is not present on the ARRL Web Site. If I were to take a poll of most amateurs, I doubt seriously that they are aware of it, or its contents. The same paragraph talks about "Amateur Auxiliary" working well since 1983, if that were true, then one would think that it would have a representation on ARRL Web Site.*

*I finally found a more decisive reference to "Amateur Auxiliary" in the 1995 addition of "The ARRL Handbook" on page 2.4 that states in total: **"Official Observers (OO) / Amateur Auxiliary. Official Observers are authorized by the FCC to monitor the amateur bands for rules discrepancies or violations. The Amateur Auxiliary is administered by Section Managers and OO Coordinators, with support from ARRL Headquarters."** I find that to be an interesting paragraph in that the FCC also authorizes me to perform the same functions and I do not need Section Managers, OO Coordinators or support from ARRL Headquarters !!*

*And finally after asking around, I found a more thorough discussion in the ARRL "The FCC Rule Book." In reviewing this material, I found it to be generally adequate, but with two glaring discrepancies of fact, one a legal point, and the other a misstatement of representation; one characterization that is a faulty generalization indicative of not **"towing the party line,"** although the example given is essentially accurate under some conditions. The important portion dealing with the "Training and Certification" is woefully lacking in quality and consists solely of an "Open Book Exam" that, if not passed, is returned to the party for reexamination. I find this to be totally inappropriate. If a person cannot pass an open book exam with all the materials supplied, how would you expect them to be able to handle the appropriate processes needed to deal with an abnormal situation and collection of evidence ?? In paragraph 22 of RM-9150, The ARRL submits that there are concerns about frivolous complaints, "ill-will" issues, and misunderstandings over the elements of rule violations. With the above kind of training, this is sure to happen.*

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There is commentary throughout RM-9150 that uses "presumptive" language that clearly shows that this is not a well-thought out process, nor is there a proper plan in place. For example in the first sentence in paragraph 23 of RM-9150 shows the presumption that the League (ARRL) would assist members of the "Amateur Auxiliary." If it is an ARRL function, why would there be a question as to support, particularly due to the fact that the ARRL is making the proposal ?? If it is NOT, why is the ARRL submitting a proposal that they cannot guarantee ??

While I may be rather negative and harsh with respect to the ARRL, I am not in favor of abolishing the organization. My feelings are due mostly to their arrogance and self-centered opinion of themselves. Is this really the organization that the entire amateur community wants as a regulator of the amateur community ? I do not think so. This point is justified by the fact that their membership is less than 25 percent of the total community.

The proposal presented in RM-9150 has no specific merit and presents a foolhardy approach to solving problems. There are no clear personnel requirements, processes, safeguards, or specific plans and most of all, no method of accountability or representation of the entire amateur community.

Accordingly, I fully and strongly urge the Commission to reject RM-9150 completely.

Respectfully,



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